

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 29, 2008. Reconsideration and allowance of the application in view of the amendments and remarks to follow are respectfully requested.

Claims 2-12 are pending in the Application. Claim 1 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claim 12 is added by this amendment.

The Applicants appreciate the indication that claims 9-11 are allowed and that claims 3, 6 and 7 are allowable if amended to be in independent form. The Applicants have elected to amend claims 3 and 6 to be independent form including the limitations of the base claim (claim 1). Based on the foregoing, the Applicants respectfully submit that independent claims 3 and 6 are in allowable form and notice to this effect is earnestly solicited. Claim 7 depends from claim 6 and accordingly is allowable for at least this reason as well as for the separately patentable elements

contained in the claim. Accordingly, consideration and allowance of claim 7 is respectfully requested.

In the Final Office Action, it is indicated that the Applicants must comply with adding section heading. Applicants acknowledge this indication, however again respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a) or 37 C.F.R. 1.77(b) and may be inappropriately utilized in interpreting claim recitations.

As made clear, section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d), are only guidelines that are suggested for applicants' use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77"). Accordingly, since it is clear that 37 CFR Section 1.77 are merely guidelines and not mandatory, an indication that the specification is in proper form is respectfully requested.

In the Final Office Action, claims 1, 4 and 5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No.

6,254,044 to Lee ("Lee"). Claims 2 and 8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lee. It is respectfully submitted that the cancellation of claim 1 herein renders the rejection of claims 1, 2, 4-5 and 8 as substantially moot.

It is respectfully submitted that claims 2, 4, 5, 8 and 12 are allowable over Lee for at least the following reasons.

Lee shows a tabletop tripod with a base and a stationary leg 14 fixedly mounted on a base (see, Lee, abstract and FIG. 2). Two pivoting legs are pivotally mounted on the base. As is clear from FIGs. 2, 5 and 6, the legs are not within the same plane during the operational position (e.g., see, Lee, FIG. 6) and the rest position (e.g., see, Lee, FIG. 1) since the legs when transitioning to the operational position, extend outward and away from each other (compare, FIG. 1 to FIG. 5).

Accordingly, it is respectfully submitted that the stand of claim 12 is not anticipated or made obvious by the teachings of Lee. For example, Lee does not disclose or suggest, a stand that amongst other patentable elements, comprises (illustrative emphasis added) "the stand being foldable between an operational position, in which the legs extend in a plane and the support extends away

from the plane, and a rest position in which the legs extend in the plane and the support extends substantially parallel to the plane and the legs, wherein the rotatable connection is configured to maintain the two legs in the plane while the foldable stand is transitioned between the operational position and the rest position" as recited in claim 12. In Lee, there is no single plane that the legs are in and parallel to, when the stand is in both the rest and operational positions.

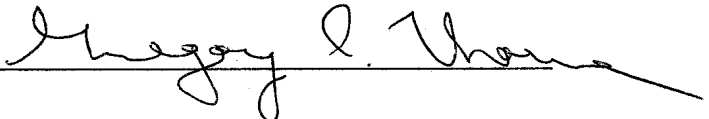
Based on the foregoing, the Applicants respectfully submit that independent claim 12 is patentable over Lee and notice to this effect is earnestly solicited. Claims 2, 4, 5 and 8 depend from claim 12 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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